

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11106 PERMIT 6583 LICENSE 4849

ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND CORRECTION OF SOURCE NAME

WHEREAS:

1. License 4849 was issued to C. F. and Jean K. Heilman and was filed with the County Recorder of Sierra County on November 22, 1957.
2. License 4849 was subsequently assigned to George and Karin Hagstrom and Robert Bush.
3. A petition for change in point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The U.S.G.S. 7.5 minute Quadrangle map Downieville photorevised 1975 shows the points of diversion as Unnamed Springs tributary to Unnamed Streams thence San Juan Canyon thence Jim Crow Creek thence North Yuba River. License 4849 describes the same source as Van Joan Creek. A correction in description of the source is needed to conform the description with the location on the photorevised quadrangle map.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 - a. South 28°09' West, 1,517 feet from N $\frac{1}{4}$ corner of Section 6, T19N, R11E, MDB&M, being within Lot 3 of NW $\frac{1}{4}$ of said Section 6.
 - b. South 28°09' West, 4,900 feet from N $\frac{1}{4}$ corner of Section 6, T19N, R11E, MDB&M, being within Lot 9 of the NW $\frac{1}{4}$ of said Section 6.

2. The named source under this license shall be as follows:

Two Unnamed Springs tributary to two Unnamed Streams thence San Juan Canyon thence Jim Crow Creek thence North Yuba River in Sierra County.

Dated: APRIL 9 1985

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11106

PERMIT 6583

LICENSE 4849

THIS IS TO CERTIFY, That

C. F. Heilman and Jean K. Heilman
P.O. Box L
Downieville, California

have made proof as of August 14, 1956

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of Van Joan Creek in Sierra County

tributary to North Fork Yuba River

for the purpose of domestic and fire protection uses under Permit 6583 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from July 13, 1945; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed three thousand six hundred (3600) gallons per day for domestic purposes or five hundredths (0.05) cubic-foot per second total for domestic and fire protection purposes to be diverted from about May 1 to about November 15 of each year, provided, however, that nothing herein contained shall be construed as confirming in licensee any right, which shall be good as against a subsequent appropriator to an amount for fire protection except when there exists an actual need thereof for fire fighting use.

The point of diversion of such water is located south twenty-eight degrees nine minutes west (S28° 09' W) one thousand five hundred seventeen (1517) feet from NW $\frac{1}{4}$ corner of Section 6, T19N, R11E, MDB&M, being within Lot 3 of NW $\frac{1}{4}$ of said Section 6.

A description of the lands or the place where such water is put to beneficial use is as follows: at Sierra Shangri-La Lodge within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T20N, R11E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

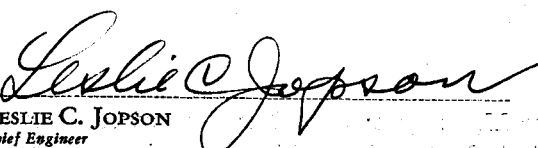
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

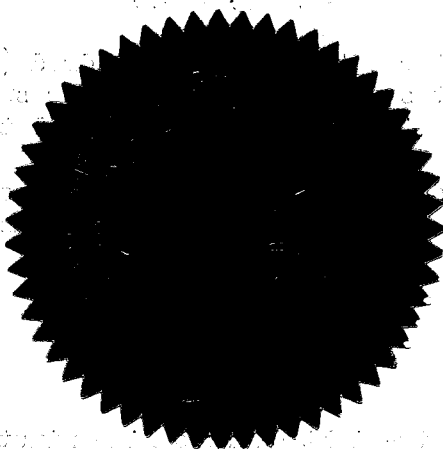
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: NOV 20 1957

STATE WATER RIGHTS BOARD

By 
LESLIE C. JOPSON
Chief Engineer



5-27-66 RECEIVED NOTICE OF ASSIGNMENT TO Albert F. Thompson

9-7-78 Asgd to Robert Bush; George & Karen Hagstrom
6-4-86 Asgd to Thomas & Martha DeGonghe

LICENSE 4849

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

C. F. Heilman and
Jean K. Heilman

ISSUED TO

DATED NOV 20 1957

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